

**Federal Defenders
OF NEW YORK, INC.**

Southern District
52 Duane Street-10th Floor, New York, NY 10007
Tel: (212) 417-8700 Fax: (212) 571-0392

David E. Patton
Executive Director
and Attorney-in-Chief

Southern District of New York
Jennifer L. Brown
Attorney-in-Charge

February 13, 2021

By ECF

Honorable Katherine Polk Failla
United States District Judge
Southern District of New York
40 Foley Square
New York, New York 10007

MEMO ENDORSED

Re: United States v. Michael Barreto, 19 Cr. 909 (KPF)

Dear Judge Failla:

I write without objection from the Government to request a 45-day adjournment of the motions schedule in the above-captioned case. This is my third request for an adjournment in this case, the Court having granted my March 9, 2020 request (ECF No. 14) to adjourn a status conference and my November 17, 2020 request (ECF No. 23) to adjourn the motions schedule and trial date. Additional time is necessary to allow the parties to pursue a pretrial disposition of this matter against the backdrop of challenges presented by the COVID-19 pandemic. Specifically, efforts to resolve this case have been delayed by lockdown measures at the Metropolitan Detention Center, including a prohibition on legal and expert visits from March 13, 2020 to September 10, 2020 and from December 11, 2020 to the present,¹ as well as internal lockdown conditions that have limited the ability of counsel and others to meaningfully confer with Mr. Barreto by phone and video conference. The parties consent to the exclusion of time under the Speedy Trial Act through the next motions deadline set by the Court.

Respectfully submitted,

/s/ Ariel Werner
Ariel Werner
Assistant Federal Defender
917.751.2050

cc: Kedar Bhatia, Assistant U.S. Attorney

¹ As of this writing, the lockdown is scheduled to lift on February 16, 2021.

Application GRANTED. The parties shall adhere to the following briefing deadlines: pretrial motions are due on or before April 15, 2021; opposition papers are due on or before May 6, 2021; and any replies are due on or before May 17, 2021. The hearing scheduled for April 20, 2021, is hereby ADJOURNED to May 27, 2021, at 3:00 p.m.

Moreover, it is ORDERED that time be excluded under the Speedy Trial Act between March 1, 2021, and May 17, 2021. The Court finds that the ends of justice served by excluding such time outweigh the interests of the public and Defendant in a speedy trial because it will both permit defense counsel to meaningfully confer with Defendant and will allow the parties to engage in discussions regarding a potential pre-trial disposition.

Dated: February 16, 2021
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE